

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 WARREN P. KLINT,

10 Plaintiff,

11 v.

12 MOORE, Detective for King County Sherriff's  
13 Office, RCO LEGAL PS, DOUG FISHER,  
14 Realty Broker, ALLISON JAMES ESTATES  
15 & HOMES,

16 Defendants.

CASE NO. C17-1622-JCC

ORDER

17 This matter comes before the Court *sua sponte*. On November 3, 2017, Plaintiff was  
18 granted leave to proceed *in forma pauperis*. (Dkt. No. 3.) On November 6, 2017, the Court  
19 reviewed Plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and determined that it  
20 failed to state a claim upon which relief could be granted. (Dkt. No. 5.) The Court directed  
21 Plaintiff to file an amended complaint within 30 days. (*Id.*) Plaintiff failed to amend his  
22 complaint. The Court therefore DISMISSES the complaint without prejudice and without further  
23 leave to amend.

24 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis*  
25 complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or  
26 seeks monetary relief from a defendant who is immune from such relief. "[A] complaint must

1 contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its  
2 face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S.  
3 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that  
4 allows the court to draw the reasonable inference that the defendant is liable for the misconduct  
5 alleged.” *Iqbal*, 556 U.S. at 678.

6 Plaintiff pleads a claim under 42 U.S.C. § 1983 for Defendants’ “violation of  
7 constitutional and judicial rights . . . by violating appellate court procedures, including . . .  
8 Plaintiff’s due process rights . . .” (Dkt. No. 1-1 at 4.) He alleges that King County Sheriff’s  
9 office” forcibly and illicitly” evicted him. (*Id.*) Plaintiff provides no further factual details as to  
10 why this eviction was “illicit” or how it violated his due process or other constitutional rights.

11 Plaintiff neither presents a cognizable legal theory nor offers sufficient facts to support  
12 his claim. Plaintiff does not sufficiently explain how non-state Defendants “acted under color of”  
13 of state or local law. *See* 42 U.S.C. § 1983. Nor does he plead sufficient information to allow for  
14 the reasonable inference that he is entitled to relief against King County Sherriff’s Office. *See*  
15 Fed. R. Civ. P. 8(a)(2); *Iqbal*, 556 U.S. at 678.

16 For the foregoing reasons, Plaintiff’s complaint is DISMISSED without prejudice and  
17 without further leave to amend. The Clerk is DIRECTED to close this case. The Clerk is further  
18 DIRECTED to mail a copy of this order to Plaintiff at the address listed on the docket.

19 DATED this 27th day of December 2017.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE